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**FACSIMILE COVER SHEET**

DATE: DECEMBER 6, 2005

NUMBER OF PAGES (INCLUDING  
THIS TRANSMITTAL COVER SHEET): **5**

ATTORNEY DOCKET NO.: 216087

FROM: MELISSA E. KOLOM  
REG. NO. 51,860

DIRECT LINE: 312-616-5600

ATTENTION: EXAMINER J.C. SWITZER  
ART UNIT 1634  
UNITED STATES PATENT AND TRADEMARK OFFICE

FACSIMILE NUMBER: 571-273-8300

**NOTICE OF APPEAL**

IN RE APPLN. OF: FANDKE ET AL.

APPLICATION NO. 10/088,666

FILED: JUNE 28, 2003

FOR: METHOD AND NUCLEIC ACIDS FOR THE DETECTION OF  
MICROORGANISMS RELEVANT TO BREWING

**Enclosed:**

- Notice of Appeal w/ certificate of mailing in duplicate (4 pgs.)

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 06 2005

Patent Application No. 10/088,666

Applicant: Fandke et al.

Filed: June 28, 2003

TC/AU: 1634

Examiner: J.C. Switzer

Docket No.: 216087 (Client Reference No. PA30951US)

Customer No.: 23460

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450NOTICE OF APPEAL FROM THE  
EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed June 6, 2005, rejecting the following claims: 42, 50-56 and 64.

The items checked below are appropriate:

## 1. Status of Applicants

This application is on behalf of ☒ other than a small entity or ☐ a small entity.

## 2. Fee for Filing Notice of Appeal

Pursuant to 37 CFR 41.20(b), the fee for filing the Notice of Appeal is for: ☒ other than a small entity or ☐ a small entity.

Notice of Appeal Fee due \$500.00

## 3. Extension of Time

☒ Applicants petition for a three-month extension of time under 37 CFR 1.136, the fee for which is \$1,020.00.☒ An extension for three-month has already been secured and the fee paid therefore of \$1,020.00 is deducted from the total fee due for the total amounts of extension now requested.

12/07/2005 TL0111 00000073 121216 10088666

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Application No. 10/088,666

Notice of Appeal

- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Extension fee due with this request: \$0.00

**4. Total Fee Due**

The total fee due is:

Notice of Appeal Fee \$500.00  
Extension Fee (if any) \$ 0.00

**Total Fee Due: \$500.00****5. Fee Payment**

- ☐ Attached is a check in the sum of \$  
☒ Charge Account No. 12-1216 the sum of \$500.00. A duplicate of this transmittal is attached.

**6. Fee Deficiency**


- ☒ If any additional fee is required in connection with this communication, charge Account No. 12-1216. A duplicate of this transmittal is attached.

Respectfully submitted,



Melissa E. Kolom, Reg. No. 51,860  
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Date: December 6, 2005

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input type="checkbox"/> deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number <input type="checkbox"/> deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or <input checked="" type="checkbox"/> facsimile transmitted to Examiner J.C. Switzer, Art Unit 1634, U.S. Patent and Trademark Office at fax number: 571-273-8300.			
Name (Print/Type)	Melissa E. Kolom		
Signature		Date	December 6, 2005

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